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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			2131	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/986,104	Applicant(s) HARS, LASZLO	
	Examiner Syed Zia	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on August 11, 2005. Original application contained Claims 1-16. Applicant currently amended claim 4, 11-12, and added new claims 17-20. The amendment filed have been entered and made of record, and previous rejection under 35 U.S.C 112 has been withdrawn. Therefore, presently Claim 1-20 is pending.

Response to Arguments

Applicant's arguments filed on August 11, 2005 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, 7, 4, and 12 applicants argued that cited prior art(s) [Kalker ("System Issues in Digital Image and Video Watermarking for Copy Protection", IEEE, 1999.), and Linnartz ("The 'ticket' concept for copy control based on embedding signalling", Philips Research, 02/04/98)] does not appear to disclose “*segments having certain time lengths that may have been imported into secure domain, and time lengths prohibited from being imported into secure domain, and also does not disclose a content length detector to detect length*”.

This is not found persuasive. The system of cited prior art does teach and describe a method that disclose the use of watermarks and the CPTWG requirement of watermark detection in 10 seconds or faster by increasing the importing difficulty and verifying copyright information

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in the digital content. The *ticket concept* is provided for copy control, which allows typical modification of the content during transmission and storage and presentation (Please refer Kalker Pages 564-566, and Linnartz section 4.1-4.2 pages 7-10).

As a result, cited prior art does implement and teaches a system of copy protection that relates to imposing a degree of difficulty on illicitly copying the digital content

Applicants clearly have failed to explicitly identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent and subsequent dependent claims. Accordingly, rejections for Claims 1-20 are respectfully maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-4, 7-12, and 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalker ("System Issues in Digital Image and Video Watermarking for Copy Protection", IEEE, 1999.).

2. With respect to claim 1, Kalker discloses a method of further increasing the difficulty of importing to a secure domain digital content including watermarks which impose a degree of difficulty on illicitly importing to the secure domain the digital content, the degree of difficulty associated with the watermarks being capable of being illicitly overcome by importing to the secure domain segments of the digital content which are so short that the watermarks cannot be reliably detected, the method comprising preventing importing to the secure domain of sections of the digital content having a length less than . or equal to a length associated with the length of reliable watermark detection (page 564, column 1, bullet 5; page 565, column 2, Section 3.3.2. lines 6-7, Section 3.3.3, lines 21-24).

3. With respect to claim 2, Kalker discloses a method wherein the illicit importing to the secure domain comprises recording the segments without recording the watermarks and the method is performed while there is illicit recording of the digital content (page 563, column 1, lines 44-52).

4. With respect to claim 3, Kalker discloses a method wherein the illicit importing to the secure domain comprises recording the segments without playing back the watermarks and the method is performed while there is illicit playback of the digital content (page 564, column 2, paragraph 2, lines 17-23).

5. With respect to claim 4, Kalker discloses a method wherein data associated with the digital content indicate the digital content can be copied (page 563, column 2, bullet 1), the method further comprising determining whether the digital content is not to be illicitly imported to the secure domain or can be legally importing to a domain, and overriding the preventing step in response to the determining step determining that the digital content can be legally importing (Section 3.3.2. lines 6-7, Section 3.3.3, lines 21-24).

6. With respect to claim 7, Kalker discloses an apparatus arranged to be responsive to digital content including watermarks for imposing a degree of difficulty on illicitly importing to a secure domain the content, the apparatus being arranged for increasing the difficulty of illicitly importing to the secure domain the digital content, the difficulty associated with the watermarks being capable of being overcome by importing to the secure domain segments of the digital content which are so short that the watermarks cannot be reliably detected, the apparatus comprising a detector for segments of the digital content having a length equal to or less than a preset length (page 564, column 1, bullet 5), the preset length being so short that the watermarks cannot be reliably detected, and signal processor responsive to the detector (page 566, column 1, lines 3-14) and the digital content for preventing importing to the secure domain at least some of the digital content segment being detected as having a length less than or equal to the preset length (page 565, column 2, Section 3.3.2. lines 6-7, Section 3.3.3, lines 21-24).

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7. With respect to claim 8, Kalker discloses an apparatus wherein the signal processor is arranged for preventing copying of the digital content segments detected as having a length less than the preset length (page 563, column 1, lines 44-52).

8. With respect to claim 9, Kalker discloses an apparatus wherein the signal processor is arranged for preventing readout of all the digital media content accompanying a segment detected as having a length less than the preset length (page 564, column 2, paragraph 2, lines 17-23).

9. With respect to claim 10, Kalker discloses an apparatus wherein the apparatus comprises a recorder for the digital content (Section 3.3.1, lines 8-10).

10. With respect to claim 11, Kalker discloses an apparatus wherein the apparatus comprises a playback unit for the digital content (Section 3.3.1, lines 8-10).

11. With respect to claim 12, Kalker discloses an apparatus wherein data associated with the digital content indicate the digital content can be legally imported to a domain (page 563, column 2, bullet 1), the detector being arranged for determining whether the digital content is not to be illicitly imported to the secure domain or can be legally imported to a domain (Section 3.3.2, lines 6-7), the signal processor being arranged to enable importing to a domain all the digital content in response to the detector determining that the digital content can be imported (Section 3.3.3, lines 21-24).

12. With respect to claim 15, Kalker discloses an apparatus in combination with a recorder of digital content (Section 3.3.1, lines 8-10), the signal processor being arranged for supplying the digital content to the recorder unless the detector detects that the digital content has been illicitly importing to a secure domain (Section 3.3.3, lines 21-24).

13. With respect to claim 16, Kalker discloses an apparatus in combination with a playback unit of digital content (Section 3.3.1, lines 8-10), the signal processor being arranged for supplying the digital content to the playback unit unless the detector detects that the digital content is illicitly copied (Section 3.3.3, lines 21-24).

14. With respect to claim 17 Kalker discloses, a method comprising: receiving a segment of digital media content at a secure domain; determining whether the length of the segment is sufficient to enable detection of a watermark if present in the segment; and controlling importation of the segment into the secure domain in response to the segment length determination (page 564, column 1, bullet 5; page 565, column 2, Section 3.3.2. lines 6-7, Section 3.3.3, lines 21-24, page 566 column 1 lines 3-14).

15. With respect to claim 18 Kalker discloses wherein, controlling importation of the segment into the secure domain includes preventing importation of the segment into the secure domain if the length of the segment is not sufficient to enable detection of a watermark if present in the segment (page 563, column 1 lines 44-52).

16. With respect to claim 19 Kalker discloses wherein, controlling importation of the segment into the secure domain includes detecting any watermark in the segment if the length of the segment is sufficient to enable detection of a watermark if present in the segment (page 564, column 2, paragraph 2, lines 17-23).

17. With respect to claim 20 Kalker discloses wherein, controlling importation of the segment into the secure domain includes complying with a content usage policy associated with any watermark detected in the segment (Section 3.3.1, lines 8-10).

19. Claims 1-14, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Linnartz ("The 'ticket' concept for copy control based on embedding signalling", Philips Research, 02/04/98).

20. With respect to claim 1, Linnartz discloses a method of further increasing the difficulty of importing to a secure domain digital content including watermarks which impose a degree of difficulty on illicitly importing to the secure domain the digital content, the degree of difficulty associated with the watermarks being capable of being illicitly overcome by importing to the secure domain segments of the digital content which are so short that the watermarks cannot be reliably detected, the method comprising preventing importing to the secure domain of sections of the digital content having a length less than or equal to a length associated with the length of reliable watermark detection (page 4, bullet 4; page 9, bullet 1).

21. With respect to claim 2, Linnartz discloses a method wherein the illicit importing to the secure domain comprises recording the segments without recording the watermarks and the method is performed while there is illicit recording of the digital content (page 3, lines 3-17).

22. With respect to claim 3, Linnartz discloses a method wherein the illicit importing to the secure domain comprises recording the segments without playing back the watermarks and the method is performed while there is illicit playback of the digital content (page 3, lines 3-17). .

23. With respect to claim 4, Linnartz discloses a method wherein some of the watermarks or a header associated with the digital content indicate the digital content can be copied (page 4, lines 9-17), the method further comprising determining whether the digital content is not to be illicitly imported to the secure domain or can be legally importing to a domain, and overriding the preventing step in response to the determining step determining that the digital content can be legally importing (page 4, lines 9-17).

24. With respect to claim 7, Linnartz discloses an apparatus arranged to be responsive to digital content including watermarks for imposing a degree of difficulty on illicitly importing to a secure domain the content, the apparatus being arranged for increasing the difficulty of illicitly importing to the secure domain the digital content, the difficulty associated with the watermarks

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being capable of being overcome by importing to the secure domain segments of the digital content which are so short that the watermarks cannot be reliably detected, the apparatus comprising a detector for segments of the digital content having a length equal to or less than a preset length (page 4, 29-30), the preset length being so short that the watermarks cannot be reliably detected, and signal processor responsive to the detector (page 7, bullet 3; page 9, lines 5-8, line 16) and the digital content for preventing importing to the secure domain at least some of the digital content segment being detected as having a length less than or equal to the preset length (page 4, bullet 4; page 9, bullet 1).

25. With respect to claim 8, Linnartz discloses an apparatus wherein the signal processor is arranged for preventing copying of the digital content segments detected as having a length less than the preset length (page 4, bullet 4; page 9, bullet 1).

26. With respect to claim 9, Linnartz discloses an apparatus wherein the signal processor is arranged for preventing readout of all the digital media content accompanying a segment detected as having a length less than the preset length (page 3, lines 19-24).

27. With respect to claim 10, Linnartz discloses an apparatus wherein the readout apparatus comprises a recorder for the digital content (page 4, line 34).

28. With respect to claim 11, Linnartz discloses an apparatus wherein the readout apparatus comprises a playback unit for the digital content (page 4, line 34).

29. With respect to claim 12, Linnartz discloses an apparatus wherein some of the watermarks or a header of a track or song of the digital media content indicate the digital content can be legally imported to a domain (page 4, lines 9-17), the detector being arranged for determining whether the digital content is not to be illicitly imported to the secure domain or can be legally imported to a domain (page 4, lines 9-17), the signal processor being arranged to enable importing to a domain all the digital content in response to the detector determining that the digital content can be imported (page 4, lines 9-17).

30. With respect to claim 5, 6, 13, and 14 Linnartz discloses a method further including detecting the presence of a distorted watermark, and performing the preventing step in response to the distorted watermark being detected (page 6, paragraph 1).

31. With respect to claim 17 Linnartz discloses, a method comprising: receiving a segment of digital media content at a secure domain; determining whether the length of the segment is sufficient to enable detection of a watermark if present in the segment; and controlling importation of the segment into the secure domain in response to the segment length determination (page 4, 9-30, page 7, bullet 3; page 9, lines 5-8, line 16, and page 4, bullet 4, and page 9, bullet 1).

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32. With respect to claim 18 Linnartz discloses wherein, controlling importation of the segment into the secure domain includes preventing importation of the segment into the secure domain if the length of the segment is not sufficient to enable detection of a watermark if present in the segment (page 4, bullet 4, and page 9, bullet 1).

33. With respect to claim 19 Linnartz discloses wherein, controlling importation of the segment into the secure domain includes detecting any watermark in the segment if the length of the segment is sufficient to enable detection of a watermark if present in the segment (page 4 lines 9-17).

34. With respect to claim 20 Linnartz discloses wherein, controlling importation of the segment into the secure domain includes complying with a content usage policy associated with any watermark detected in the segment (page 6, paragraph 1).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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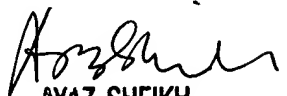
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ
October 25, 2005


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